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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,219	10/14/2005	Peter Graf	17233-012	8970

7590 06/05/2007  
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Chadbourne & Parke  
30 Rockefeller Plaza  
New York, NY 10112

EXAMINER
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PATEL, KIRAN B

ART UNIT	PAPER NUMBER
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3612

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06/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/553,219

Applicant(s)

GRAF, PETER

Examiner

Kiran B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) 19-23 and 30-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18 and 24-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

Final Rejection (5/23/07)

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim(s) 18, 24-29, as best understood, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims are confusing and are not clear because claimed limitations, (Claim 18, a light visor for use by an occupant of a machine comprising: a transparent sun screen mounted to the machine such that it can be positioned between the operator and a light source; Claim 18, the transparent sun screen comprises an electro-metallic layer that can be optionally transitioned between transparent and translucent states; Claim 24, the sun screen displays pictorial information; Claim 25, the transparent sun screen further comprises an integrated information system; Claim 26, the sun screen further comprises at least one visual information display; Claim 28, the sun screen is used as a medium for displaying varying visual information; Claim 29, the sun screen further comprises light filtering materials), lack support in the specification (also not clearly shown/labeled in the elected figures 1-2) and therefore fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These limitations must

have support in the specification (also clearly shown/labeled in the elected figures 1-2) or the limitations canceled from the claims. Above are just few examples of the discrepancies and therefore the Applicant is requested to go through the whole application and ensure that the claimed matter has been described in the specification (also clearly shown/labeled in the drawing) in such a way as to convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. Correction is required.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 18, 27, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ogunjobi (6,402,221).

Regarding Claim(s) 18, 27, as best understood, Ogunjobi (6,402,221) discloses the invention as claimed to include a transparent sun screen 26 mounted to the machine such that it can be positioned between the operator and a light source; the sun screen is flexibly mounted to the machine such that it may be movably positioned between the light source and the occupant.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim(s) 24-26, 28-29, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogunjobi (6,402,221) as applied to claim 18 and further in view of DE 198 52 535 A 1.

Regarding Claim(s) 24-26, 28-29, as best understood, Ogunjobi (6,402,221) discloses the invention as claimed.

However, Ogunjobi (6,402,221) does not disclose the sun screen displays pictorial information; the transparent sun screen further comprises an integrated information system; the sun screen further comprises at least one visual information display; the sun screen is used as a medium for displaying varying visual information; and the sun screen further comprises light filtering materials.

DE 198 52 535 A 1, as best understood, discloses the sun screen displays pictorial information Fig 1-6; the transparent sun screen further comprises an integrated information system Fig 1-6; the sun screen further comprises at least

one visual information display Fig 1-6; the sun screen is used as a medium for displaying varying visual information Fig 1-6; and the sun screen further comprises light filtering materials Fig 1-6.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by Ogunjobi (6,402,221), to include the sun screen displays pictorial information; the transparent sun screen further comprises an integrated information system; the sun screen further comprises at least one visual information display; the sun screen is used as a medium for displaying varying visual information; and the sun screen further comprises light filtering materials, as disclosed by DE 198 52 535 A 1, to display varying visual information to facilitate driving of a vehicle safely and comfortably.

### **Response to Arguments**

Applicant's arguments filed 4/23/07 have been fully considered but they are not persuasive.

Applicant's Remark filed on 11/30/06 includes the following: "Applicants elect the claims in Species A, Fig 1-2, claims 18 and 24-29 for prosecution on their merits. Further, Applicant has withdrawn the claims to the non-elected Species B-E without prejudice or disclaimer" and "Applicant reserves the right to file a divisional application directed to the non-elected claims of Species B-E at a later date". It should be appreciated that Applicants arguments are based on non-elected Figures 3-7 and therefore not valid because the elected figures are only Figures 1-2. Also limitations claimed in the elected claims 18, 24-29 are not shown

in elected Figures 1-2 and clearly not described in the specification in relation to the elected Figures 1-2. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Applicant failed to ensure that the claimed matter in the elected figures 1-2 and in elected claims 18, 24-29 has been described in the specification (also clearly shown/labeled in the elected drawing) in such a way as to convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-

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272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



Kiran B. Patel, P.E.

Primary Examiner

Art Unit 3612

May 23, 2007